THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 2119 of 2006

DATED: 03.02.2006

Between:

S.Satish Kumar.

... PETITIONER

AND

Managing Director and others.

... RESPONDENTS

ORDER:

The petitioner is employed as a Work Inspector in the Andhra Pradesh State Housing Corporation Limited. Disciplinary proceedings were initiated against him, by issuing a Charge Memo, dated 20.02.2000, framing seven charges. The petitioner submitted his explanation thereto on 28.03.2000. Thereafter, an Enquiry Officer was appointed, and he, in turn, submitted a report. The petitioner was furnished a copy of the enquiry report and issued a show cause notice, dated 18.11.2003. The petitioner submitted his explanation to the show cause notice on 14.12.2003. On a consideration of the same, the 1st respondent passed an order, dated 22.08.2005, imposing the punishment of stoppage of four annual grade increments with cumulative effect. He also directed recovery of a sum of Rs.2,68,496/- with interest at the rate of 12% per annum. The petitioner challenges the said proceedings.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The learned counsel for the petitioner had urged several contentions, while assailing the impugned order. This Court is not inclined to deal with the same, at this stage, for the reason that the petitioner had an effective and alternative remedy, by way of an appeal to the Board of Directors of the Corporation. The appellate authority would be in a better position to appreciate the matter, from the proper perspective.

The learned counsel vehemently contends that the direction, as to recovery of a sum of Rs.2,68,496/- from the petitioner, may be stayed, pending the presentation and disposal of the appeal. Whatever may be the justification, pleaded on behalf of the petitioner, as regards the various amounts, which were dealt with in the impugned order, one fact, which clearly emerges, is that the petitioner admitted the misappropriation of an amount of Rs.80,000/-, which was indicated in Charge No.4. Therefore, the petitioner is under obligation to remit the same.

For the foregoing reasons, the Writ Petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal before the Board of Directors of the Corporation. If the appeal is presented, within a period of four (4) weeks from today, it shall be treated as having been filed within the period of limitation. Pending disposal of such appeal, there shall be stay of recovery of the amount indicated in the impugned order, subject to the condition that the petitioner deposits a sum of Rs.80,000/- (Rupees Eighty Thousand Only). If the petitioner has deposited any amount towards the liability in the impugned order, the same shall be treated as partial or total satisfaction of the said condition. There shall be no order as to costs.

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03.02.2006

Jsu